

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

KEITH LOWE,

Plaintiff,

v.

Case No. 2:25-cv-000272

**SUPERINTENDENT JOHN FRAME,
ACTING COMMISSIONER LANCE YARDLEY, and
CABINET SECRETARY MICHAEL CARUSO,**

Defendant.

DEFENDANT CABINET SECRETARY MICHAEL CARUSO’S MOTION TO

FILE DOCUMENTS UNDER SEAL

Comes now the Defendant West Virginia Department of Health Facilities Cabinet Secretary Michael Caruso, (hereinafter, “DHF”), by counsel, Assistant Attorney General Gail V. Lipscomb, and submits Defendant’s Motion to File Documents Under Seal.” In support of this motion, the Defendant states as follows:

1. Plaintiff filed a motion to enforce preliminary injunction, for civil contempt, and for sanctions on July 24, 2025. (ECF No. 71-1).
2. The Court ordered the defendants to file a response to said motion by July 31, 2025, and set a hearing on said motion for August 4, 2025. (ECF No. 72).
3. DHF has prepared a response to said motion, attached hereto as Exhibit No. 1.
4. DHF’s Response to Plaintiff’s motion necessarily includes numerous exhibits which contains confidential mental health records of the Plaintiff and confidential state court mental hygiene records, which were ordered produced and sealed in this matter. (ECF No. 68).

5. To protect the confidentiality of these records, Defendant respectfully requests the Court grant its Motion to File Under Seal.
7. Pursuant to the requirements set forth in Local Rule of Procedure 7.1(a)(2), the Defendant contemporaneously files its Memorandum of Law in Support of its Motion to Seal.

WHEREFORE, for all the above-mentioned reasons, aforesaid Defendant respectfully requests the Court grant the Motion to File Under Seal, along with any additional relief deemed necessary and appropriate by the Court.

Respectfully submitted,

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SECRETARY MICHAEL J. CARUSO,

By Counsel,

JOHN B. McCUSKEY
ATTORNEY GENERAL

/s/ Gail V. Lipscomb

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Defendants.

CERTIFICATE OF SERVICE

I, Gail V. Lipscomb, Assistant Attorney General for the State of West Virginia and counsel for Defendant Caruso, do hereby certify that a true and accurate copy of the foregoing

“DEFENDANT’S MOTION TO FILE DOCUMENTS UNDER SEAL” was filed the 31st day of July, 2025, via the CM/ECF system, which will send notification to CM/ECF participants to the

Following:

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/s/ Gail V. Lipscomb

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